IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1535 OF 2007
IN
SECOND APPEAL NO.784 OF 2007

Shri Nemgonda Bhau Paraj & Ors. ...Applicants
vs.
Ibrahim Mahamad Shikalgar & Ors. ...Respondents

Mr.V.B.Rajure for the Applicants
Mr.Vijay Killedar for the Respondent No.1.

CORAM: A.S.OKA,J.
DATE : NOVEMBER 26,2007.

P.C.:

1. Rule. The Advocate for Respondent No.1 waives service. Service to other Respondents is dispensed with for the purpose of this Civil Application.

2. Second Appeal challenging the decree for possession passed against the Applicants has been admitted. Hence, decree for possession will have to be stayed.

3. Hence, Application is disposed of by passing the following order :

i) There will be ad-interim relief in terms of prayer clause (a) subject to condition that the Applicant will not create any third party interest in respect of the suit property and will not part with possession thereof in favour of any third party till the disposal of the Appeal.

ii) In case the applicants commit any breach of the aforesaid direction, liberty to the first respondent to apply for vacating the stay. There will be no order as to costs.